



Social Services Department Housing Services

Policy Name: Refuse to Offer by a Housing Provider

Policy Catalogue # HS 2019-PA 13.1

Department: Social Services

Approved by: Director of Housing

Approval Date: October 15, 2019

Signature: *Harry Blinkhorn*

1.0 PURPOSE

To establish the local rules permitting a housing provider to refuse to offer a household a unit on the County of Wellington, CMSM's Centralized Waiting List for Rent-Geared-to-Income, and/or Special Needs Housing, as prescribed under the Housing Services Act 2011 and Ontario Regulation 367/11 sections 50 and 77.

2.0 REVISION HISTORY

HS 2013-PA13.0 - Refusal by Housing Provider

3.0 POLICY

3.1 REFUSAL TO OFFER REQUIREMENTS

As prescribed in Ontario Regulation 367/11 section 50, a housing provider is permitted, despite any other rule, to not offer a household a Rent-Geared-to-Income or Rent Support unit under any of the following circumstances:

1. The housing provider has a mandate under section 76 of the Act and offering the unit to the household would be contrary to that mandate.
2. The housing provider has reasonable grounds to believe, based on the household's rental history, that the household may fail to fulfil its obligations to pay rent for the unit in the amount and at the times the rent is due.
3. The housing provider is a non-profit housing co-operative and the household does not agree to accept its responsibilities as a member of the housing provider or the housing provider has reasonable grounds to believe that the household will not accept or will be unable to accept those responsibilities.
4. The unit is one in which individuals will reside in a shared living situation and the housing provider has reasonable grounds to believe that it is unreasonable for the household to reside in the shared accommodation.

5. All of the following criteria are satisfied:
- i. Within the past five years,
 - A. the tenancy of a member of the household was ordered terminated by the Landlord and Tenant Board based on a notice of termination given under section 61 of the Residential Tenancies Act, 2006, or
 - B. the occupancy of a member of the household in a member unit of a non-profit housing co-operative was ordered terminated by the Landlord and Tenant Board based on a notice of termination given under paragraph 5 of section 94.2 of that Act.
 - ii. The tenancy or occupancy that was ordered terminated was in a designated housing project.
 - iii. The order terminating the tenancy or occupancy has not been cancelled under section 21.2 of the Statutory Powers Procedure Act or overturned under section 210 of the Residential Tenancies Act, 2006.
 - iv. The order terminating the tenancy or occupancy was grounded on an illegal act, trade, business or occupation involving one or more of the following:
 - A. An illegal act, trade, business or occupation described in clause 61 (2) (a) or 94.4 (4) (a) of the Residential Tenancies Act, 2006.
 - B. The illegal production, distribution or sale of cannabis.
 - C. The trafficking of persons.
 - D. The use or attempted use of physical violence against another person.
 - E. Physical harm, attempted physical harm, or a risk of physical harm to another person.
 - F. The use of threats to, intimidation of, or harassment of another person.
 - v. The housing provider has reasonable grounds to believe that accommodating the household would pose a risk to the safety of one or more other persons at the housing project. O. Reg. 367/11, s. 50 (1); O. Reg. 318/19, s. 9.

The housing provider's system for selecting households must include rules that provide for the following, if a housing provider refuses to make an offer to a household that it would otherwise have been required to make:

1. The housing provider shall notify the household of the refusal.
2. If the household so requests, the housing provider shall review the decision to refuse to make the offer.
3. The rules under paragraphs 1 and 2 apply only to the first refusal by a housing provider to make an offer to a household and not to subsequent refusals by the housing provider with respect to the same household. O. Reg. 367/11, s. 50 (3).

3.1.1 SPECIAL NEEDS HOUSING

As prescribed in Ontario Regulation 367/11 section 77, a housing provider is permitted, despite any other rule, to not offer a household a Special Needs Housing unit under

the previously mentioned circumstances as well as the following circumstance:

- I. The level of support services that are provided in respect of the unit is significantly greater or significantly less than the level of support services required by the household.

4.0 DEFINITIONS

“Centralized Waiting List” means the list established for the purposes of allocating Rent-Geared-to-Income, Rent Support and Special Needs units; which complies with the criteria established in the Housing Services Act, 2011 and the Regulations;

“CMSM” means Consolidated Municipal Service Manager. The Corporation of the County of Wellington is the Consolidated Municipal Service Manager for the geographic area that includes The County of Wellington and the City of Guelph for the purposes of the Housing Services Act, 2011;

“Housing Provider” means a designated housing project to which the housing program with the program category number 1 (a), 1 (b), 6 (a) or 6 (b) in Schedule 1 applies. O. Reg. 367/11, s. 50 (2); O. Reg. 31/12, s. 2;

5.0 APPLICATION

The Refuse to Offer by a Housing Provider rule comes into effect on the policy approval date.

The Refuse to Offer by a Housing Provider local rule will apply to all current and prospective Rent-Geared-to-Income, Special Needs households on the Centralized Waiting List administered by the County of Wellington, CMSM and its housing providers.

6.0 PROCEDURES

N/A

7.0 RELEVANT LEGISLATION & POLICY

Housing Services Act, 2011 S.O. 2011

Ontario Regulation 367/11, s. 50 & 77

Ontario Regulation 368/11, Schedule 35

Directive 2013-15 – Refusal by a Housing Provider



Alternative Formats Available Upon Request